

**Additional Proposed Legislation for the  
April 13, 2010 City Council Meeting -  
Filed in the Office of the City Clerk  
April 2 Through April 8**



# City of Rochester

City Hall Room 307A, 30 Church Street  
Rochester, New York 14614-1290  
[www.cityofrochester.gov](http://www.cityofrochester.gov)

## JOB, PARKS & PUBLIC WORKS INTRODUCTORY NO.

164, 165, 166, 167



Robert J. Duffy  
Mayor

April 6, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Statement of Necessity

I am submitting this Statement of Necessity so that action may be taken at the appropriate committee meeting on April 8, 2010 regarding the attached legislation related to the Mt. Hope Avenue Improvement Project. This legislation, along with the companion legislation (Introductory 117) submitted in March, are required so that construction of the project can begin this spring.

Respectfully submitted,

Robert J. Duffy  
Mayor

2010 APR -6 AM 11:01





# City of Rochester

City Hall Room 307A, 30 Church Street  
Rochester, New York 14614-1290  
www.cityofrochester.gov

## JOBS, PARKS & PUBLIC WORKS INTRODUCTORY NO.

164, 165, 166, 167



9  
Robert J. Duffy  
Mayor

April 6, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Mt. Hope Avenue Public Improvement  
Project Phase I

Transmitted herewith for your approval is legislation related to Phase I of the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project. This legislation will:

1. Authorize changes in pavement widths as follows (a map illustrating the changes is attached):
  - On Mt. Hope Avenue to include raised center median islands and recessed on-street parking;
  - On Crittenden Boulevard; and
  - On Elmwood Avenue to include a raised center median island.
2. Authorize realignment of the east end of Crittenden Boulevard and the medians on Crittenden Boulevard to align the lanes with the lanes on East Henrietta Road.
3. Authorize a new four-leg intersection on Mt. Hope Avenue which will be located 627 feet north of the realigned Crittenden Boulevard and 586 feet south of Elmwood Avenue.
4. Approve the Determinations and Findings for the proposed acquisitions of 28 fee acquisitions, three permanent easements and 26 temporary easements as presented in Introductory 117 (March 2010).
5. Amend the Official Map by dedicating the 28 fee acquisitions and the permanent easement at 1431 Mt. Hope Avenue as public Right-of-Way.
6. Authorize the issuance of bonds totaling \$900,000 and appropriation of the proceeds thereof to finance some portions of the City share of project costs.

The background on this project and the planned street changes are described more fully in Introductory 117, which was presented to Council in March 2010. The project also includes a center, landscaped median to separate north- and south-bound traffic. The median will extend from just south of Elmwood Avenue to just south of Raleigh Street. The University of Rochester has agreed to maintain the landscaped portion of the median between Elmwood Avenue and Crittenden Boulevard. All pavement width changes, including medians, on-street parking and realigned or new intersections, were endorsed by the Rochester Traffic Control Board at their April 6, 2010 meeting.

Determinations and Findings. The public hearing required by NY State Eminent Domain Procedures Law was held March 17, 2010; there were two speakers in support of the proposed acquisitions. Based on those comments, the following determinations and findings are proposed:

A. *Project Location* – The City proposed the fee acquisition of portions of 28 parcels, the acquisition of permanent easements over portions of three parcels, and the acquisition of temporary easements over portions of 26 parcels, along Mt. Hope Avenue, Crittenden Boulevard and Elmwood Avenue. The acquisitions are for the following parcels:

<u>Address</u>	<u>Acquisition Type</u>	<u>Address</u>	<u>Acquisition Type</u>
1500 Mt. Hope	Fee, Temp	1432 Mt. Hope	Fee, Temp
1550 Mt. Hope	Fee, Temp	1522 Mt. Hope	Fee, Temp
1520 Mt. Hope	Fee, Temp	1510 Mt. Hope	Fee, Temp
1400 Mt. Hope	Fee, Temp	1394 Mt. Hope	Fee, Temp
1378 Mt. Hope	Fee, Perm, Temp	1360 Mt. Hope	Fee, Temp
1340 Mt. Hope	Fee, Temp	1330 Mt. Hope	Fee, Temp
797 Elmwood	Fee, Temp	793 Elmwood	Entire Parcel Fee
1286 Mt. Hope	Fee, Temp	1545 Mt. Hope	Fee
1517 Mt. Hope	Fee, Temp	1511 Mt. Hope	Fee, Temp
1495 Mt. Hope	Fee, Temp	1477 Mt. Hope	Fee
1475 Mt. Hope	Fee	1471 Mt. Hope	Fee, Temp
1431 Mt. Hope	Perm, Temp	1401 Mt. Hope	Fee, Temp
1371 Mt. Hope	Fee, Perm, Temp	1351 Mt. Hope	Fee, Temp
1325 Mt. Hope	Fee, Temp	100 Crittenden	Temp
683 Elmwood	Fee, Temp	1256 Mt. Hope	Fee, Temp

The need for the acquisitions is the result of the roadway alignments which were established during a number of public meetings held during the building moratorium in 2008.

*B. Public Purpose, General Effect.* The public purpose to be served by the project is the improvement of the highway and transportation facilities and to reduce the severity of traffic accidents on Mt. Hope Avenue between Rossiter Road and Cook Street. Additional public purposes include: Improving the traffic flow and reducing congestion delays at the intersections of Mt. Hope Avenue with both Elmwood Avenue and Crittenden Boulevard-East Henrietta Road; promoting shared business access to the highway with the new mid-block intersection and thereby reducing the number of driveway curb cuts and associated accidents along Mt. Hope Avenue; and promoting retail and commercial development along the Mt. Hope Avenue corridor through on-street parking, wider sidewalks, and enhanced pedestrian amenities.

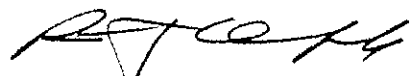
The acquisitions will have no significant negative effect on the environment. Traffic safety, pedestrian safety, and improved traffic operation will all result from the project. Access to and from neighborhood businesses will be improved; retail and commercial environment will be enhanced by the project, and additional pedestrian space and enhanced streetscaping will be created by the project. No complete relocations of any businesses or residents will be needed. The environmental impacts of constructing the project have been identified and discussed in the Draft Design Report / Environmental Assessment for the project. A negative declaration in accordance with Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code was issued on November 24, 2008 and amended on May 2, 2009.

The Planning Commission held an informational meeting for the Official Map Amendment on March 15, 2010. Minutes of the meeting are attached. There were two speakers in support of the proposed dedication of land for public right-of-way purposes. By a vote of 7-0-0, the Commission recommends approval to City Council.

Construction of the Mt. Hope Avenue Phase I public improvement project will begin in fall 2010 with completion in fall 2011.

Public hearings on the pavement width changes and the Official Map Amendment are required.

Respectfully submitted,



Robert J. Duffy  
Mayor



GRID  
NORTH



Ex. Pav't Width = 42  
Prop. Pav't Width = 42

Mt. Hope Avenue

Ex. Pav't Width = 50  
Prop. Pav't Width = 50  
Ex. Pav't Width = 50  
Prop. Pav't Width = 50

# Pavement Width Modifications for Mt. Hope Improvements

Rosster Road to Elmwood Avenue  
City PC 09101, P.I.M. 4753.61

SHEET NO.	2	SCALE	NOT TO SCALE	DATE	04/10
-----------	---	-------	--------------	------	-------

**Bergmann**  
associates

Elmwood Avenue

Ex. Pav't Width = 62  
Prop. Pav't Width = 62  
Ex. Pav't Width = 62  
Prop. Pav't Width = 62

Ex. Pav't Width = 50  
Prop. Pav't Width = 50  
Parking Width = 8'

Ex. Pav't Width = 50  
Prop. Pav't Width = 50  
Parking Width = 8'

Ex. Pav't Width = 50  
Prop. Pav't Width = 50

Ex. Pav't Width = 50  
Prop. Pav't Width = 50

New Four-Leg Intersection

1/2 Median

March to Sheet No. 1

## CITY PLANNING COMMISSION

## RECOMMENDATION

## OFFICIAL MAP AMENDMENT

**Re:** To amend the Official Map by dedicating various parcels of land on Mt. Hope Avenue between Elmwood Avenue and Rossiter Road as public right-of-way in conjunction with the Mt. Hope Avenue Improvement Project

**Case No:** OMA-08-08-09 (DES #OMA-10-02-59)

**Resolution:**

**RESOLVED**, the City Planning Commission recommends that the Official Street Map be amended by dedicating 30 parcels of land along the north and south sides of Mt. Hope Avenue between Elmwood Avenue and Rossiter Road as public right-of-way for street purposes in conjunction with the Mt. Hope Avenue Project.

**Vote:** Motion Passes

**Action:** Recommend Approval

**Filing date:** March 15, 2010

**Record of Vote:** 7-0-0

D. Watson	Recommend Approval
S. Rebholz	Recommend Approval
D. Suchy	Recommend Approval
E. Marlin	Recommend Approval
W. Clark	Recommend Approval
H. Zimmer-Meyer	Recommend Approval
J. Vazquez	Recommend Approval

**MINUTES****OFFICIAL MAP AMENDMENT OMA-08-09-10 (DES OMA-10-02-59)  
CITY PLANNING COMMISSION INFORMATIONAL MEETING (03/15/10)****APPLICANT:** City of Rochester, Department of Environmental Services**PURPOSE:** To amend the Official Map by dedicating various parcels of land on Mt. Hope Avenue between Elmwood Avenue and Rossiter Road as public right-of-way in conjunction with the Mt. Hope Avenue Improvement Project; an action requiring Planning Commission recommendation to City Council.**APPLICANT AND/OR REPRESENTATIVE PRESENTATION:**

Paul Way, Project Manager, City's Department of Environmental Service presented the proposed official map amendment. The request before you tonight is the culmination of an extension planning and community outreach process. If you will remember the Mt. Hope Moratorium in 2008 that placed development projects on hold while the cumulative impacts of traffic, development in the area, proposed city and state highway improvement projects, and the University of Rochester redevelopment plans as well as private development plans were all comprehensively analyzed to come up with an overall plan that worked for everyone.

One of the major components of the plan and which requires quite a bit of negotiation with the businesses along the corridor is the introduction of a center median through the bulk of the stretch between Elmwood Avenue and Crittenden Road that will prevent left hand turns into and out of the businesses. You will notice there is a new signal proposed about midblock between Elmwood Avenue and Crittenden Road which will serve two purposes: 1) to provide access through the University of Rochester development project on the west side of Mt. Hope Avenue extending west to East Drive on the U of R Medical Campus which connects to the parking garage at the hospital, and, 2) to provide a logical access point to the businesses on the east side of Mt. Hope by providing safe pedestrian crossings and vehicular ingress and egress to these business. That was an idea that was developed years ago by Larry Stid, past Director of Planning and we still have in our files some of the original hand drawn sketches that he envisioned. We have worked with the businesses along the corridor: Mamasan's, Bruegger's and McDonalds to come up with a plan that will allow for shared parking and access at the rear of those businesses and to allow patrons to get to the new signal.

The reason for the median and prevention of the left turns is because of the high accident rate in the corridor. The accident rate is about 15 times the countywide average for a roadway of this character. Since the West Ridge Road improvements were implemented years ago, this stretch of highway now has the dubious distinction of the highest accident rate corridor in the region. That is primarily due to the businesses, a Hess gas station opposite a McDonald's with a lot of turning traffic in the middle of an already complex and high volume intersection. The corridor currently has 30,000 vehicles per day that travel through it. It is projected that in a 20 year period that volume may increase to 39,000 vehicles per day. It is clearly a corridor in need of safety improvements.



We developed a plan and all of the components which we worked with the businesses on, but obviously a change of this dramatic magnitude requires quite a bit of an amendment to the Official Map to accommodate this. The bulk of the takings are on the west side of the street with the University of Rochester and Hess having the most significant impacts. Also, the Mt. Hope Service center on the south side of Crittenden Boulevard also has some significant impacts. While I think there is concern and a natural tendency to be a little unsure when this amount of property is being given up, I think generally speaking we have the support of the businesses and the neighborhood.

The Official Map Amendment is necessary to create the median, recessed parking, and wider sidewalks that are indicative of the Collegetown Village District. We have worked closely with the development that is going now on the Mamasan's property and the street project will fit seamlessly with that development.

The current project is expected to begin construction late Fall of this year with some utility work being done with the bulk of the construction occurring in 2011 and completion at the end of the construction season in 2011.

This amendment also includes a new turn lane on Elmwood Avenue west of Mt. Hope Avenue on the south side to relieve some of the congestion at that intersection.

D. Watson: Is there anyone in support of this application?

M. Warren: I am Melanie Warren, President of the Mt. Hope Business Association and co-owner of the business at 1471 Mt. Hope Avenue, which is the Mt. Hope Service Center that Paul mentioned will have a significant property taking. As the President of the Mt. Hope Business Association we have been working with the City, South East Area Coalition, Mt. Hope Avenue Task Force and the Upper Mt. Hope Neighborhood and the community. It was heated at times having business owners and neighborhood residents together, but we worked through it and we received the positive ramification of the median, landscaping and new signal and we do support it. We have been working through the eminent domain process and it can be testy at times to say the least. There are business people who are seeing parking spaces disappear and that is money to use. Yes, we support it. It is bittersweet. Many of us are losing sleep waiting for the appraisal. But, we are all going through that process and we are all getting through one day at a time. We are working in good faith with the City and with Zoning and Economic Development because the new street will have a different traffic flow; our businesses will have a different traffic flow. As long everyone is aware of that and is on board, then we can come to resolutions that are good for the community, the city and businesses.

D. Watson: Is there anyone in opposition to this application

None

**HEARING ENDS**

## Ordinance No.

Approving Changes In The Pavement Width  
Of Mt. Hope Avenue, Crittenden Boulevard  
And Elmwood Avenue As Part Of The Mt.  
Hope Avenue Phase I Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in the pavement width of Mt. Hope Avenue as part of the Mt. Hope Avenue Phase I Public Improvement Project:

1. A variable increase of 0 feet to 4 feet, beginning at 54 feet south of Rossiter Road with the proposed width matching the existing 40 foot width and extending to 120 feet south of Raleigh Street where the proposed width of 54 feet will be 4 feet wider than the existing 50 foot width; and
2. A variable increase of 4 feet to 15 feet, beginning at the latter point above and extending to East Henrietta Road where the proposed width of 65 feet will be 15 feet wider than the existing 50 foot width; and
3. An increase of 27 feet, from 50 feet to 77 feet, beginning at Crittenden Boulevard and extending to a point 350 feet south of Elmwood Avenue; and
4. A variable increase of 27 feet to 19 feet, beginning at the latter point above and tapering to a 19 foot widening, from 50 feet to 69 feet, at Elmwood Avenue; and
5. A variable increase of 12 feet to 0 feet, beginning at Elmwood Avenue with a 12 foot widening, from 50 feet to 62 feet, and extending to 25 feet north of Cook Street with the proposed width matching the existing 42 foot width.

Section 2. The Council hereby further approves the following changes in the pavement width of Crittenden Boulevard as part of the Mt. Hope Avenue Phase I Public Improvement Project:

1. A decrease of 7 feet, from 63 feet to 56 feet, beginning at Mt. Hope Avenue and extending to 222 feet west of Mt. Hope Avenue; and
2. A variable decrease of 7 feet to 0 feet, beginning at the latter point above and extending to 297 feet west of Mt. Hope Avenue with the proposed width matching the existing 63 foot width.

Section 3. The Council hereby further approves the following changes in the pavement width of Elmwood Avenue as part of the Mt. Hope Avenue Phase I Public Improvement Project:

1. A variable increase of 0 feet to 12 feet, beginning at 760 feet west of Mt. Hope Avenue with the proposed width matching the existing 62 foot width and extending to 710 feet west of Mt. Hope Avenue where the proposed width of 74 feet will be 12 feet wider than the existing 62 foot width; and
2. An increase of 12 feet, from 62 feet to 74 feet, beginning at the latter point above and extending to Mt. Hope Avenue.

Section 4. The Council hereby further approves the following changes in the pavement width of Mt. Hope Avenue, in addition to those described in Section 1, with raised center median islands, as part of the Mt. Hope Avenue Phase I Public Improvement Project:

1. A variable width island which is 8 feet wide at 160 feet north of Rossiter Road and 4 feet wide at 50 feet south of Raleigh Street; and
2. An island with a width of 4 feet beginning at the latter point above and extending to 90 feet south of Crittenden Boulevard; and
3. An island with a width of 14 feet beginning at 62 feet north of Crittenden Boulevard and extending to 585 feet north of Crittenden Boulevard; and
4. An island with a width of 14 feet beginning at 543 feet south of Elmwood Avenue and extending to 353 feet south of Elmwood Avenue; and
5. A variable width island which is 14 feet wide at the latter point above and 6 feet wide at 73 feet south of Elmwood Avenue.

Section 5. The Council hereby further approves changes in the pavement width of Elmwood Avenue, in addition to those described in Section 3, by reducing the existing 14 foot wide raised center median island to 4 feet wide beginning at 710 feet west of Mt. Hope Avenue and extending to 210 feet west of Mt. Hope Avenue, as part of the Mt. Hope Avenue Phase I Public Improvement Project:

Section 6. The Council hereby further approves the realignment of the east end of Crittenden Boulevard and the medians on Crittenden Boulevard to align the lanes with the lanes on East Henrietta Road, as part of the Mt. Hope Avenue Phase I Public Improvement Project:

Section 7. The Council hereby further approves a new four-leg intersection on Mt. Hope Avenue which will be located 627 feet north of the realigned Crittenden Boulevard and 586 feet south of Elmwood Avenue, as part of the Mt. Hope Avenue Phase I Public Improvement Project:

Section 8. The Council hereby further approves the following changes in pavement width on Mt. Hope Avenue, in addition to those described in Sections 1 and 4, with the addition of recessed, on-street parking which will be 9 feet wide, as part of the Mt. Hope Avenue Phase I Public Improvement Project:

1. On the west side, beginning 74 feet south of the intersection described in Section 7 and extending south for 256 feet; and
2. On the west side, beginning 80 feet north of the intersection described in Section 7 and extending north for 366 feet; and
3. On the east side, beginning 85 feet south of the intersection described in Section 7 and extending south for 190 feet; and
4. On the east side, beginning 65 feet north of the intersection described in Section 7 and extending north for 102 feet.

Section 9. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 10. This ordinance shall take effect immediately.

## Ordinance No.

Determinations And Findings Relating To  
The Acquisition Of Parcels And Easements  
For The Mt. Hope Avenue Phase I Public  
Improvement Project

WHEREAS, the City of Rochester proposes to acquire parcels and easements for the Mt. Hope Avenue Phase I Public Improvement Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on March 17 and April 13, 2010 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of these parcels and easements.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby makes the following determinations and findings concerning the acquisition of parcels and easements for the Mt. Hope Avenue Phase I Public Improvement Project:

- A. Project Location – The City proposes the fee acquisition of portions of twenty-eight (28) parcels, the acquisition of permanent easements over portions of three (3) parcels and the acquisition of temporary easements over portions of twenty-six (26) parcels, along Mt. Hope Avenue, Crittenden Boulevard and Elmwood Avenue. The acquisitions involve the following parcels:

Address	SBL Number	Acquisition Type(s)
1500 Mt. Hope Avenue	136.61-3-26	1 Fee and 1 TE
1432 Mt. Hope Avenue	136.54-1-22.1	1 Fee and 1 TE
1550 Mt. Hope Avenue	136.61-3-30	1 Fee and 1 TE
1522 Mt. Hope Avenue	136.61-3-29	1 Fee and 1 TE
1520 Mt. Hope Avenue	136.61-3-28	1 Fee and 1 TE
1510 Mt. Hope Avenue	136.61-3-27	1 Fee and 1 TE
1400 Mt. Hope Avenue	136.54-1-24	1 Fee and 1 TE
1394 Mt. Hope Avenue	136.54-1-25	1 Fee and 1 TE
1378 Mt. Hope Avenue	136.54-1-27.1	1 Fee, 1 PE and 1 TE
1360 Mt. Hope Avenue	136.54-1-28	1 Fee and 1 TE
1340 Mt. Hope Avenue	136.54-1-30.2	1 Fee and 1 TE
1330 Mt. Hope Avenue	136.54-1-32	1 Fee and 1 TE
797 Elmwood Avenue	136.54-1-2	1 Fee and 1 TE
793 Elmwood Avenue	136.54-1-1.1	Entire parcel Fee
1286 Mt. Hope Avenue	136.46-1-48.1	1 Fee and 1 TE
1545 Mt. Hope Avenue	136.61-3-25	1 Fee
1517 Mt. Hope Avenue	136.61-2-30	1 Fee and 1 TE

1511 Mt. Hope Avenue	136.61-2-29	1 Fee and 1 TE
1495 Mt. Hope Avenue	136.61-2-28	1 Fee and 1 TE
1477 Mt. Hope Avenue	136.61-1-31	1 Fee
1475 Mt. Hope Avenue	136.61-1-30	1 Fee
1471 Mt. Hope Avenue	136.61-1-28	1 Fee and 1 TE
1431 Mt. Hope Avenue	136.53-1-7	1 PE and 1 TE
1401 Mt. Hope Avenue	136.53-1-6	1 Fee and 1 TE
1371 Mt. Hope Avenue	136.53-1-5	1 Fee, 1 PE and 1 TE
1351 Mt. Hope Avenue	136.53-1-4	1 Fee and 1 TE
1325 Mt. Hope Avenue	136.53-1-3.1	1 Fee and 1 TE
100 Crittenden Boulevard	136.53-1-8	1 TE
683 Elmwood Avenue	136.53-1-2	1 Fee and 1 TE
1256 Mt. Hope Avenue	136.46-1-49	1 Fee and 1 TE

The roadway alignments which result in the need for the acquisitions were established during a number of public meetings held during the moratorium imposed by City Council on March 18, 2008 for building permits and certificates of zoning compliance for a portion of Mt. Hope Avenue. That moratorium allowed for the completion of a comprehensive land use, transportation and planning study for the area. That study, which established the basis for the acquisitions, has obtained wide-based neighborhood and business support.

- B. **Public Purpose and General Effect** - The public purpose to be served by the project is the improvement of the highway and transportation facilities and to reduce the severity of traffic accidents on Mt. Hope Avenue between Rossiter Road and Cook Street. An additional public purpose will be to improve the traffic flow and reduce congestion delays at the intersection of Mt. Hope Avenue with both Elmwood Avenue and Crittenden Boulevard-East Henrietta Road. Also, the public purpose for the new mid-block intersection is to promote shared business access to the highway, thereby reducing the number of driveway curb cuts, and accidents associated with those curb cuts, along Mt. Hope Avenue. Another public purpose of the project is to promote retail and commercial development along the Mt. Hope Avenue corridor through on-street parking, wider sidewalks and enhanced pedestrian amenities which will promote private development and expand the City's tax base.

The acquisitions will have no significant negative effect on the environment. Traffic safety, pedestrian safety and improved traffic operation will all result from the project. Access to and from neighborhood businesses will be improved by the project. An enhanced retail and commercial environment will be created by the project. Additional pedestrian spaces and enhanced streetscaping will be created by the project. No complete relocations of any businesses or residents will be needed as part of the project. The environmental impacts of constructing the project have been identified and

discussed in the Draft Design Report / Environmental Assessment for the project. A negative declaration in accordance with Article 8 of the Environmental Conservation Law and Chapter 48 of the Municipal Code was issued on November 24, 2008 and amended on May 2, 2009.

Section 2. This ordinance shall take effect immediately.

Ordinance No.

Amending The Official Map By Dedicating  
Parcels To Street Purposes For The Mt.  
Hope Avenue Phase I Public Improvement  
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to street purposes the 28 parcels authorized for fee acquisition at this meeting and the permanent easement at 1431 Mt. Hope Avenue authorized for acquisition at this meeting as part of the Mt. Hope Avenue Phase I Public Improvement Project, as more particularly described in maps on file with the City Clerk, and by adding said dedications to Mt. Hope Avenue, Elmwood Avenue and Crittenden Boulevard.

Section 2. The dedications authorized herein shall take effect upon acquisition by the City of the necessary parcels and permanent easement.



## Ordinance No.

Bond Ordinance Of The City of Rochester, New York,  
Authorizing The Issuance Of \$900,000 Bonds Of Said  
City To Finance The Cost Of Acquisition Of Parcels For  
The Mt. Hope Avenue Phase I Public Improvement  
Project In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the acquisition of properties for street purposes as part of the Mt. Hope Avenue Phase I Public Improvement Project in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,248,000. The plan of financing includes the issuance of \$900,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,135,000 appropriated from Federal Highway Administration funds and \$213,000 appropriated from New York State funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$900,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$900,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.21(a) of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City

are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.